



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,450	09/25/2001	Nicholas Alexander Rutter	31574-00006	2410

7590 02/23/2005
Steven E Shapiro
Mitchell Silberberg & Knupp
11377 West Olympic Boulevard
Los Angeles, CA 90064

EXAMINER

NGUYEN, PHUNG

ART UNIT	PAPER NUMBER
2632	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,450

Applicant(s) **UK**

RUTTER ET AL.

Examiner

Phung T Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1--5, 7,9-11, 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1--5, 7,9-11, 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 4, 5, 7, 9-11, and 19 is withdrawn in view of the newly discovered reference(s) to Scripps (US 5,432,500). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 10, 11, 14-16, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Scripps (U.S. Pat. 5,432,500).

Regarding claim 1: Scripps discloses overhead detection and light assembly with remote control which comprises a housing assembly, and a cartridge detachably mountable within said housing assembly, wherein said cartridge contains a detection apparatus for detecting at least one of heat, radiation and pollutants, and wherein said detection apparatus includes detection circuitry, a power source and an alarm such that said cartridge is operable independently of said housing assembly to detect said at least one of heat, radiation and pollutants and to activate said alarm upon said detection (figures 1 and 2, col. 3, lines 61-66, and col. 4, lines 2-32).

Regarding claim 2: Scripps discloses wherein said housing assembly comprises an upper housing member and a base, the upper housing member and the base being adapted to be

fitted together so as to provide an opening to slidably receive the cartridge within said housing assembly (figure 1, col. 4, lines 23-27).

Regarding claim 3: Scripps discloses support means; and carrier means slidably mounted on the support means for sliding movement into and out of said housing assembly, wherein said carrier means is adapted to seat the cartridge thereon for insertion of said cartridge into said housing assembly as shown in figure 1.

Regarding claim 4: All the claimed subject matter is already discussed in respect to claim 1 above. Scripps also discloses a first electrical connector located within said housing assembly and connectable to an external power supply; and a second electrical connector disposed on said cartridge and electrically connected to said detection apparatus, and wherein said second electrical connector is engageable with said first electrical connector when said cartridge is inserted fully into said housing assembly, thereby allowing said detection apparatus to be powered by said external power supply (fig. 1, col. 4, lines 23-39).

Regarding claim 5: Scripps inherently teaches a cover that is movable between first and second positions in response to insertion and removal of said cartridge into and from said housing assembly, and wherein in said first position said cover restricts physical access to the first electrical connector and in said second position said cover allows engagement of said first and second electrical connectors (col. 4, lines 23-27).

Regarding claim 10: Scripps discloses wherein said cartridge further comprises a control circuit responsive to the energizing and de-energizing of said external power supply a preset number of times over a preset time period to apply a reset signal to the detection apparatus, thereby to reset the detection apparatus (col. 5, lines 1-64).

Art Unit: 2632

Regarding claim 11: Scripps discloses wherein said cartridge has a control circuit responsive to the energizing and de-energizing of said external power supply a preset number of times over a preset time period to apply a test signal to the detection apparatus, thereby to test the detection apparatus (col. 4, lines 50-53, col. 5, lines 5-8).

Regarding claim 14: Scripps discloses wherein the housing assembly further comprises a ceiling mount as shown in figure 1.

Regarding claim 15: Scripps discloses wherein the cartridge is slidably mountable within the housing assembly (col. 4, lines 23-27).

Regarding claim 16: Scripps discloses wherein the housing assembly includes a carrier for slidably mounting the cartridge within the housing assembly (fig. 1, col. 4, lines 23-27).

Regarding claim 18: Scripps discloses wherein the housing assembly includes a first connector for connecting to an external electrical power supply (col. 4, lines 23-27).

Regarding claim 19: All the claimed subject matter is already discussed in respect to claim 4 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scripps in view of Scheidweiler (U.S. Pat. 4,384,488).

Regarding claim 7: Scripps discloses a housing assembly, and a cartridge detachably mountable within said housing assembly, wherein said cartridge contains a detection apparatus for detecting at least one of heat, radiation and pollutants, and wherein said detection apparatus includes detection circuitry, a power source and an alarm such that said cartridge is operable independently of said housing assembly to detect said at least one of heat, radiation and pollutants and to activate said alarm upon said detection, and wherein the cartridge has a plurality of apertures 24 to allow passage of said at least one of heat, radiation and pollutants into the cartridge for detection by said detection apparatus (figures 1 and 2, col. 3, lines 61-66, and col. 4, lines 2-32). Scripps does not teach wherein said cartridge further comprises closure means on said cartridge for closing said apertures, said closure means being movable between first and second positions, wherein in said first position said closure means closes said apertures and in said second position said closure means opens said apertures. However, Scheidweiler discloses smoke detector comprising member 15 to open/close the apertures (fig. 1, col. 4, lines 4-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the technique of Scheidweiler in the system of Scripps in order to control the entering air if desired.

Regarding claim 9: Scripps discloses closure means is movable between said first and second positions in response to insertion and removal of said cartridge into and from said housing assembly (fig. 1, col. 4, lines 8-11).

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scripps (U.S. Pat. 5,432,500).

Art Unit: 2632

Regarding claim 17: Scripps discloses the carrier for mounting the cartridge within the housing assembly as shown in figure 1 but does not teach the carrier comprising at least one of a drawer and a tray as claimed. However, Scripps teaches the carrier 14 for mounting the cartridge within the housing assembly as shown in figure 1. Therefore, it would have been obvious to the skilled artisan to utilize the drawer or the carrier 14 to mount the cartridge within the housing assembly because they are functional equivalent.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Scripps [U.S. Pat. 4,812,827] discloses detector and light assembly.

b. Murphy [U.S. Pat. 4,980,672] discloses overhead socket smoke detector with theft alarm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached on 571-272-2964. The fax number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 571-272-2600.

Phung Nguyen



Date: February 16, 2005